

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MOUNTAIN VALLEY PIPELINE, LLC,

Plaintiff,

v.

CIVIL ACTION NO 5:23-CV-00625

MELINDA ANN TUHUS, and
ROSE ZHENG ABRAMOFF

Defendants.

DEFENDANTS' RULE 26 (a)(1)(A) DISCLOSURES

Without waiver of its position that this Court should exercise its discretion to abstain to state court proceedings pertaining to the dispute presented in this proceeding, Defendants Melinda Ann Tuhus and Rose Zheng Abramoff, by Counsel, respectfully submit their disclosures required under Rule 26(a)(1)(A).

A. Individuals Likely To Have Discoverable Information To Support Defenses.

1. Members and employees or agents of the Summers County Sheriff's Department, including but not limited to Sheriff Justin Faris, who had foreknowledge of, witnessed or participated in the arrest of Defendants on or about September 7, 2023.
2. Members and employees or agents of the West Virginia State Police, including but not limited to C. N. Workman, who had foreknowledge of, witnessed or participated in the arrest of Defendants on or about September 7, 2023.
3. CSX personnel, including but not limited to, Special Agent Clarence Nicely, who had foreknowledge of, witnessed or participated in the arrest of Defendants on or about September 7, 2023.
4. Employees and/or agents of Equitrans Midstream Corporation or its affiliates, including but not limited to Adam Sloane, who: (a) had foreknowledge of, witnessed or participated in the arrest of Defendants on or about September 7, 2023, or (b) who have knowledge of the Plaintiff's claim for monetary damages.
5. Employees and/or agents of Global Security Corporation, or any other security business employed by Plaintiff or its affiliates, who: (a) had foreknowledge of, witnessed or participated in the arrest of Defendants on or about September 7, 2023, or (b) who have knowledge of the Plaintiff's claim for monetary damages.
6. Employees and/or agents of Equitrans Midstream Corporation or its affiliates who have

knowledge of Plaintiff's financial condition on September 7, 2023 or currently, as reflected in the Plaintiff's filings with the Securities and Exchange Commission or otherwise reflected on the Plaintiff's financial statements.

7. Without waiving any testimonial or other privilege, Defendants reserve the right to call as witnesses in this proceeding, Defendants Melinda Ann Tuhus and Rose Zheng Abramoff.
8. The issuer or issuer representative of any insurance company who has at any time issued a policy of insurance, hereafter disclosed or discovered, which covers Plaintiff's alleged damages.
9. Any witness, expert or otherwise, who has testified in any administrative, civil or criminal proceeding in which MVP or any of its members have been charged with violation of environmental laws. *See, e.g., Sierra Club v. WV DEP*, 64 F.4th 487 (4th Cir. 2023) (outlining MVP's extensive history of permit and water quality violations and noting that MVP's "activities threaten serious harm in the absence of proper environmental controls"); *see also Sierra Club v. Federal Energy Regulatory Commission*, 68 F.4th 630 (D.C. Cir. 2023) (vacated as moot) (outlining MVP's extensive history of dozens of permit and water quality violations).
10. Any witness necessary to authenticate the documents identified in items 12 through 18 below, or who participated in the research and writing of the reports reference in 12 through 18 below.
11. Defendants reserve the right to amend and supplement this list to identify any person or entity discovered to have information relevant to their defense in the course of discovery.
12. Any person or entity identified by Plaintiff at any time as likely to support Plaintiff's defense.

B. Documents And Tangible Things That May Be Used To Support Defense.

1. Any pleading currently or in the future filed in any criminal or other civil proceeding against Defendants.
2. Any instrument or document purporting to grant Plaintiff: (a) the exclusive right to use the CSX roadway or any public roadway, (b) the right to use the land where the alleged trespass occurred.
3. Any instrument or document purporting to characterize as critical infrastructure the land and/or equipment where the alleged trespass occurred.
4. Any plat or other graphic depiction of the land where the alleged trespass occurred.

5. Any financial statement filed with the Securities and Exchange Commission or otherwise publicly available.
6. All statements of contingent liabilities under Financial Accounting Standards Codification System ASC 450-20 (formerly FASB 5), and management representations made to accounting firms and/or individual accountants relating to such contingent liabilities.
7. All tax returns (state and federal) for MVP from the time of its organization through and including the current date.
8. All documents and/or electronic information constituting or pertaining to insurance policies, current and previously issued, including documentation of coverage by subject matter and limits on financial liability, issued to MVP (or any other entity which includes MVP and/or its members and employees, in its coverage), or on behalf of, MVP from the time of its organization through and including the current date.
9. Any and all documents pertaining to contracts between MVP and/or any member of MVP, on the one hand, and a firm known as Global Security, and/or any other firm that has provided security services to MVP and/or its members.
10. All documents pertaining to the organization of MVP, including but not limited to any articles of organization, by-laws or operating agreement, non-compete or non-disclosure agreements, and agreements limiting or restricting the sale of interests in MVP by members.
11. All documents and electronic information pertaining to alleged violations of environmental laws, regulations, or conditions of its permits. *See, e.g., Sierra Club v. WV DEP*, 64 F.4th 487 (4th Cir. 2023) (outlining MVP’s extensive history of permit and water quality violations and noting that MVP’s “activities threaten serious harm in the absence of proper environmental controls”); *see also Sierra Club v. Federal Energy Regulatory Commission*, 68 F.4th 630 (D.C. Cir. 2023) (vacated as moot) (outlining MVP’s extensive history of dozens of permit and water quality violations).
12. The Intergovernmental Panel on Climate Change (IPCC) Synthesis Report of the IPCC Sixth Assessment Report (AR6).
https://report.ipcc.ch/ar6syrr/pdf/IPCC_AR6_SYR_LongerReport.pdf.
13. The Mountain Valley Pipeline: Greenhouse Gas Emissions Briefing
<https://priceofoil.org/2017/02/15/mountain-valley-pipeline-greenhouse-gas-emissions-briefing/>
14. Response to Mountain Valley Pipeline on Greenhouse Gas Emissions Analysis Filed in FERC Docket <https://priceofoil.org/2021/12/08/mvp/>
15. United Nations Environmental Program - Global Methane Assessment: Benefits and Costs of Mitigating Methane Emissions -
<https://www.unep.org/resources/report/global-methane-assessment-benefits-and-costs-mitigating-methane-emissions>

16. June 2017 and subsequent Mountain Valley Project and Equitrans Expansion Project Final Environmental Impact Statement https://powhr.org/wp-content/uploads/2017/05/mvp_feis.pdf
17. 5 Key Reasons to Stop the Mountain Valley Pipeline <https://www.nrdc.org/bio/amy-mall/5-key-reasons-stop-mountain-valley-pipeline>.
18. *See How Hot 2023 Was, in Two Charts. Hint: Record Hot.*
https://www.nytimes.com/2024/01/09/climate/2023-warmest-year-record.html?campaign_id=60&emc=edit_na_20240109&instance_id=0&nl=breaking-news&ref=cta®i_id=221173&segment_id=154676&user_id=71ddf05a9fcd3f0d0315d8a181939bd7
19. All documents and/or electronic information constituting or pertaining to insurance or indemnification of MVP and/or its members and employees from the time of MVP's organization through and including the current date
20. All documents and/or electronic information constituting or pertaining to communications by and between the Pipeline and Hazardous Materials Safety Administration, and MVP or any of its members, including but not limited to Equitrans Midstream Corporation, and any attorney or agent on behalf of MVP and its members or Equitrans Midstream Corporation, pertaining to the Consent Order entered into on or about October 23, 2023 in case no. CPF No. 1-2023-053-NOPSO.
21. Defendants reserve the right to amend and supplement this list to identify any item discovered to have information relevant to their defense in the course of discovery.
22. Any item currently or hereafter identified by Plaintiff as likely to support Plaintiff's claims against Defendants.

Respectfully submitted,

**MELINDA ANN THUSUS
ROSE ZHENG ABRAMOFF**

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was filed electronically with the Clerk of the Court, this 9th day of January, 2024 and thereby served on Counsel for the Plaintiff as follows:

Timothy M. Miller (WVSB #2564)
Matthew S. Casto (WVSB #8174)
Robert M. Stonestreet (WVSB # 9370)
Jennifer J. Hicks (WVSB # 11423)
Austin D. Rogers (WVSB #13919)

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